

REMARKS

Claims 23 to 28, 31, 32, 35 to 37, 44, 54 and 58 are canceled without prejudice, and therefore claims 22, 29, 30, 33, 34, 38 to 43, 45 to 53, and 55 to 57 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for indicating that claims 54 to 57 contain allowable subject matter. Claim 22 has been rewritten to include the features of claim 54, which has been canceled without prejudice. Claims 55 and 56 now depend from claim 22. Also, claims 34, 41 to 43, and 50 have been rewritten to include the allowable features of claim 54, so that these claims are allowable like claim 22, as presented. Accordingly, claims 22, 29, 30, 33, 34, 38 to 43, 45 to 53, and 55 to 57 are allowable.

As to paragraph three (3) on page two (2) of the Final Office Action, claims 46 and 54 were objected to for informalities. Claim 46 has been corrected as to the minor spelling issue. Claim 54 is now in claim 22, and claim 54 is canceled, and the spelling issue is also corrected as to claim 22, as presented. Withdrawal of the objections as to claims 46 and 54 is therefore respectfully requested.

Claims 22 to 24, 29 to 31, 33, 34, 36, 38, 41 to 43, 45, 46, 50, 52 and 58 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma).

Claim 25 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma), in view of Okada, U.S. Patent No. 6,704,872.

Claims 26 to 28, 39 and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma), in view of the Menezes handbook reference.

Claims 32, 51 and 53 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma), in view of Schepps et al., U.S. Patent No. 5,974,368.

Claim 35 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma) in view of Gurr, U.S. Patent No. 4,264,960.

Claim 37 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma) in view of Coley et al., U.S. Patent No. 5,790,664.

Claim 49 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,313,107 (Gormley), in view of U.S. Patent No. 5,729,619 (Puma) in view of Shamoon et al., U.S. Patent No. 7,233,948.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there may be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination may be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

As clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 22 has been rewritten to include the features of claim 54, which has been canceled without prejudice. Claims 55 and 56 now depend from claim 22. Also, claims 34, 41 to 43, and 50 have been rewritten to include the allowable features of claim 54, so that these claims are allowable like

claim 22, as presented. Accordingly, claims 22, 29, 30, 33, 34, 38 to 43, 45 to 53, and 55 to 57 are allowable.

It is therefore respectfully requested that the obviousness rejections of the claims be withdrawn.

Accordingly, all of pending claims 22, 29, 30, 33, 34, 38 to 43, 45 to 53, and 55 to 57 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Since all issues raised by the Office have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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